

## **Veto Players and Electoral Reform in Belgium.**

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### **S U M M A R Y**

#### **Abstract**

During the past two decades, various attempts have been made to implement changes in the Belgian electoral system. While most of these attempts met with failure, some minor changes were successful. In this article, we consider three cases in depth: demands for the abolishment of compulsory voting, the ongoing discussion about splitting the Brussels electoral district according to linguistic lines, and the introduction of an electoral threshold. We demonstrate that legal barriers and veto players are instrumental in explaining the odds that attempts at electoral reform will be successful. Belgium's consociational system does indeed impose the use of super majorities for some reforms and the in-built obligation of power sharing grants veto power to major but also to smaller political parties in every language group. The case studies also demonstrate that political parties often fail to estimate in a reliable manner the consequences of reform.

**Keywords:** Electoral reform, Belgium, compulsory voting, electoral threshold

## Introduction

Implementing electoral reform is, at best, a risky endeavour since those holding political power obviously have a vested interest in maintaining an institutional status-quo (Lijphart & Grofman, 1984; Gallagher & Mitchell, 2005). Advocates of electoral reform face various barriers in order to achieve their goals. In most cases, overcoming the veto power of elite political actors can be considered as one of the main barriers that advocates of electoral reform will face (Katz, 2005; Blau, 2008; Rahat & Hazan, 2011). This barrier will even be steeper in a political system where veto players are abundantly present and where the use of veto power is endemic in the political decision-making process. In this article, our goal is to apply the barrier model for electoral reform (or its absence) by focusing on the ‘hard case’ of a consociational democracy like Belgium. The model assumes that various barriers will have to be surmounted before electoral reform can be achieved, and these barriers can be cultural, legal, or resulting from the opposition of vested interests or coalition partners. The strength of the barriers model is that it summarizes both institutional and strategic decision making approaches to political behaviour. It can be assumed that not all barriers are equally steep, but empirical analysis is called for if we want to determine in a more exact manner which barrier is most important in preventing electoral reform. An added advantage of the model is that it can equally be used to explain the success as the failure of attempts at electoral reform (Rahat & Hazan, 2011).

The theoretical relevance of this exercise is that it helps us to determine whether the model is indeed successful in explaining the fate of attempts at electoral reform. The Belgian case is quite relevant in this respect. We consider the consociational nature of the Belgian political system (Lijphart, 1977; 1981; Deschouwer, 2004; 2009) as a good and illustrative example of the way in which institutionalized veto players raise the barrier of *coalition politics*. The need to maintain a coalition – and in a consociational system this is often a broad and power

sharing coalition – gives some parties the possibility to block reforms that they perceive as possibly detrimental for them. Lowering that barrier means that all governing parties must at some point agree not to use their veto. The presence and proliferation of veto players is therefore the most crucial barrier for electoral reform in Belgium. Furthermore a number of reforms of the electoral system require a constitutional change and thus a two thirds majority in the two houses of the parliament, which means that the *legal barrier* is sometimes quite high.

The political tradition of joint-decision making, however, implies that also when a super majority is not legally necessary, the Belgian political elite aims for oversized majorities. This means every coalition partner can function as a veto player, i.e. “individual or collective actors whose agreement (by majority rule for collective actors) is required for a change of the status quo” (Tsebelis 1995, 289). In practice, political decisions are very hard to take without the approval of the major political parties in both language groups, i.e., the Christian Democrats in the Dutch part of the country, and the Socialists in the French part of the country. The Flemish Christian Democrats (CD&V) and the Walloon Socialists (PS) are clearly the most powerful veto players in the Belgian political system, even despite the fact that their electoral power has eroded substantially during the past decades. Both parties are almost automatically part of the governing coalition. CD&V was a coalition partner in the periode 1958-1999 and again since 2007. The PS has been a member of the ruling coalition continuously since 1988.

Surmounting both the legal and – even more – the veto players and coalition politics barrier is thus crucial for electoral reforms to be successful. If the barriers are not lowered, the status quo is the default outcome. And Belgium indeed offers a prime example of non-decision making as the basic layout of the Belgium electoral system (a two chamber Parliament with a D'Hondt system of proportional representation and compulsory voting) has not been changed

at all during the 20<sup>th</sup> century, despite the fact that various political leaders have labelled some provisions of the system as outdated. Nevertheless, especially during the last two decades, various minor reforms of the Belgian electoral system were implemented, e.g., with regard to the establishment of an electoral threshold or changing the system of closed electoral lists. These reforms can be considered as minor, since they do not have a direct effect on the key dimensions of the electoral process, i.e., proportionality, inclusiveness, the ballot structure and the electoral level or procedures (Jacobs & Leyenaar 2011). The barrier approach for explaining electoral reform leads to the hypothesis that in those cases, the presence of veto players in Belgian politics did not prove to be an insurmountable barrier for electoral reform. This might be due to the fact that these veto players apparently did not have sufficient reasons to use their veto powers. If we consider veto players to be rational actors, one can conclude that they hoped to benefit themselves from the proposed changes, or at least they did not consider their own interests unduly threatened by the reform (Dunleavy & Margetts, 1995; Boix, 1999; Renwick, 2010).

In the next section, we present empirical material on the Belgian electoral system, before moving on to three case studies. In the case of compulsory voting, institutional barriers prevented political parties from reaching a super majority in Parliament. The ongoing negotiations about the redistricting of the Brussels electoral district, did not lead to changes either, because the two language groups did not reach a compromise on the issue. Our third case involves the imposition of an electoral threshold of five per cent in the year 2003, when all relevant political actors finally did agree on a negotiated package deal. We use these three cases to demonstrate that in a consociational democracy, legal barriers and coalition politics will be very strong barriers preventing the implementation of electoral reform. In our conclusion, we return to the question whether the barrier model can be used to offer a

convincing explanation for the development of electoral reform in Belgium, including both the failed and the successful attempts at reform.

(...)

## **Discussion**

The purpose of the barrier model is to allow for a systematic study of (attempts at) electoral reform in parliamentary democracies. In this article, our aim was to use this approach to study electoral reform in a consociational democracy, taking a hard case to ascertain whether the model is indeed successful in explaining the odds that electoral reform will succeed. In such a political system, the ubiquitous presence of veto players renders it extremely difficult to change the electoral system. Since usually electoral reforms are zero-sum games, there is always at least one party that stands to lose from the reform. If, because of institutional or cultural power-sharing arrangements, that party receives a veto right, implementing reform is rendered virtually impossible. Major electoral reform, therefore, proved difficult to achieve during the past decades. Various minor reforms, however, have been implemented, and most often the impetus for these reforms originated within the political elite itself, as there are very few examples of reform that came into being as a result of demands from public opinion.

In this article we focused on barriers as a result of coalition politics, and, indeed they proved to be difficult to overcome. Apparently it is not just sufficient to obtain a simple majority for reform, it is also necessary that potential veto players do not use their veto power. From an analytical point of view, the legal barrier proved relatively easy to detect and observe, since the constitution itself lays out the procedures that have to be followed. The role of coalition politics, on the other hand proved far less easy to observe. During the past two decades, it has never occurred that a proposal reached a parliamentary vote and was subsequently defeated, which would lead to a visible use of veto power. The mechanism apparently operates in a

much more subtle manner, as proposals that run counter to the interests of a veto player are usually not even discussed in a parliamentary committee. Since the agenda of these committees is decided in a closed meeting of the Speaker of the Parliament with the chairs of the parliamentary party groups, it can be assumed that the proposal is blocked at this level. Since the minutes of this gathering, however, are not available for scientific research, this remains something of a black box explanation. The debate about the split of BHV however is an interesting case of a very open use of the veto power. The strong Flemish demands and electoral promises to simply split the district has met an equally strong refusal to do so by the Francophone parties.

Our case study seems to demonstrate that barriers indeed can block most attempts at electoral reform. Since there is very little research available on the application of the barrier model for electoral reform, it is too early to ascertain whether this is a consequence of the consociational character of Belgian democracy, or whether our research findings could also be generalized toward other political systems. The successful example of electoral reform we discussed was the 2003 implementation of an electoral threshold by the Verhofstadt government. Verhofstadt managed to implement this reform by building a broad package deal in order to appease most potential veto players, either in or outside the ruling coalition. Nevertheless, the 2003 reform was an exception to the rule, since the Flemish Christian Democrats were not involved in the final compromise. It has to be remembered in this regard that the 1999-2007 Verhofstadt governments were highly exceptional in the recent political history of Belgium. In the 1958-1999 period, the Christian Democrats always had been part of the governing coalition, in a majority of cases even having the Prime Minister. For the other parties, the 1999 electoral defeat of the Christian Democrats came as something of a relief, as for the first time they could envision a coalition government without Christian Democrats. Various issues that were blocked by the Christian Democrats were quickly passed, and Belgium became one

of the worlds pioneering countries with regard to euthanasia rights, gay marriage and adoption by homosexual couples. Seizing the same window of opportunity, Socialists and Liberals managed to get rid of small electoral circumscriptions. Technically, the Christian Democratic party at that time did not have a real veto power. The strange thing is that the Christian Democrats hardly made an effort to use their electoral strength. In Parliament their opposition was rather weak, and they certainly did not use all other legal means at their disposal to block the reforms of the Verhofstadt governments. Furthermore, when the Christian Democrats re-entered federal government in 2007, the party did not make any effort at all return on all the reforms implemented by the Verhofstadt governments. Theoretically, therefore, it could be suggested that the Christian Democrats apparently did not feel threatened in a substantial manner by all these reforms.

In this article, we have used these three cases to show that for political parties it is extremely difficult to assess in a reliable manner the consequences of electoral reform. Our three cases could best be summarized as a comedy of errors. First, with regard to compulsory voting it is difficult to predict what party would benefit from an abolishment. The argument that is most often invoked in the political discussions, that compulsory voting leads to the success of extremist parties, in any case is not substantiated by the results of empirical research. Second, with regard to the Brussels electoral district, both language groups stands to lose from a simple split, as their own minority groups will lose electoral clout. But apparently, harming the other language group is a more powerful incentive than pursuing one's own interests. Third, contrary to expectations the electoral threshold of five per cent did not prevent the rise of new small parties. It did mean that the Green party that felt safely above the threshold lost all its seats in the federal parliament. In every case, therefore, the judgement of leading politicians was clearly misguided. We do not wish to question the claim that rational choice approaches can be quite powerful in explaining the likelihood of electoral reform, as we did

not study these barriers in a systematic manner. Our case study has only demonstrated that the presence of veto players can limit the odds that attempts at electoral reform will be successful. Why exactly these veto players use their power, and whether this decision is based on rational grounds, remains to be investigated.